

**Meeting of the Central Valley Flood Protection Board
August 26, 2010**

Staff Report – Encroachment Permit

**Mary Poppie
Groundwater Monitoring Well, Lake County**

1.0 – ITEM

Consider approval of Permit No. 18423-A (Attachment B)

2.0 – APPLICANT

Mary Poppie

3.0 – LOCATION

The project is located in Upper Lake, south of Highway 20 along Bridge Arbor Road. (Clover Creek, Lake County, see Attachment A)

4.0 – DESCRIPTION

To drill and install an 8-inch-diameter groundwater monitoring well within 5 feet of previously permitted well (MW-20D, Permit No. 18423 BD), approximately 50 feet below the ground on the left bank levee of the Clover Creek, Bridge Arbor North Road.

5.0 – PROJECT ANALYSIS

The applicant is directed by the Central Valley Regional Water Quality Control Board to install one additional groundwater monitoring well on Bridge Arbor North Drive, atop the Clover Creek Levee to conduct an environmental investigation regarding the site (Woody's Tire and Brake) located at 220 East Highway 20 in Upper Lake, California. The Well will be constructed of Schedule 40 PVC piping approximately 40 to 50 feet below the ground surface.

5.1 – Hydraulic Analysis

The project is located outside the floodway/flowage area and no hydraulic analysis was needed.

5.2 – Geotechnical Analysis

The project will be performed under the direct review and supervision of the professional geologist (Thomas J. Knoch), registered with the State of California, in accordance with currently available information and accepted hydrogeologic and engineering practices.

5.3 – Additional Staff Analysis

The staff reviewed the application and proposed plans and included the necessary conditions on the permit.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with this project, from all pertinent agencies are shown below:

- The U.S. Army Corps of Engineers 208.10 comment letter has not yet been received for this application. Upon receipt of a favorable letter and review by Board staff it will be incorporated into the permit as Exhibit A.
- Lake County Watershed Protection District has not yet endorsed this application but an endorsement is anticipated prior to the Board Meeting. Lake County Watershed Protection District endorsed the original project (Permit No. 18423). The endorsement letter for Permit Application No. 18423-A will be attached to the permit as Exhibit B when received.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 3 Categorical Exemption (CEQA Guidelines Section 15303) covering new construction of small structures.

8.0 – SECTION 8610.5 CONSIDERATIONS

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

The project is located outside the floodway/flowage area so there will be no effects to the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

The proposed project is underground so there will be no effects from reasonable projected future events.

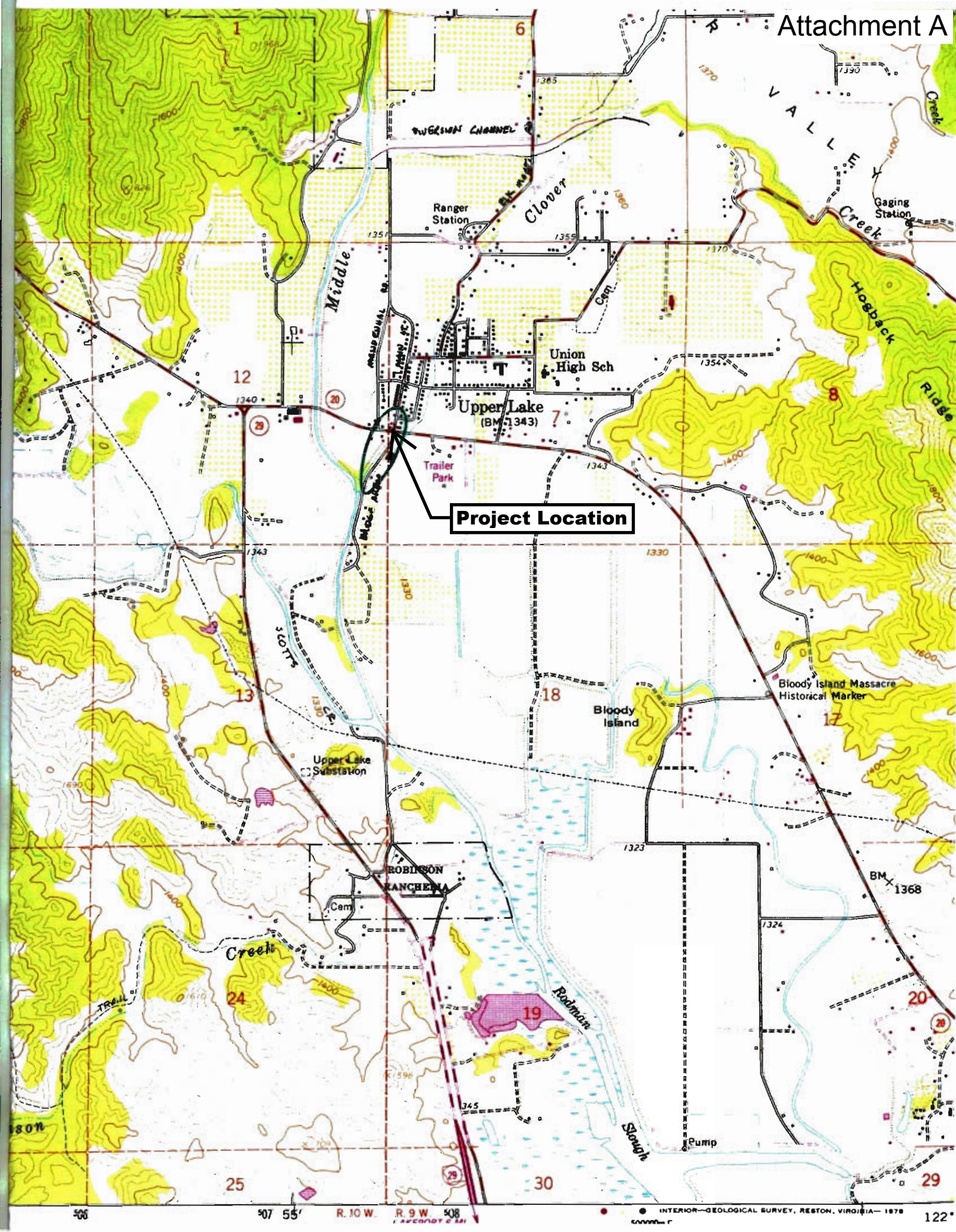
9.0 – STAFF RECOMMENDATION

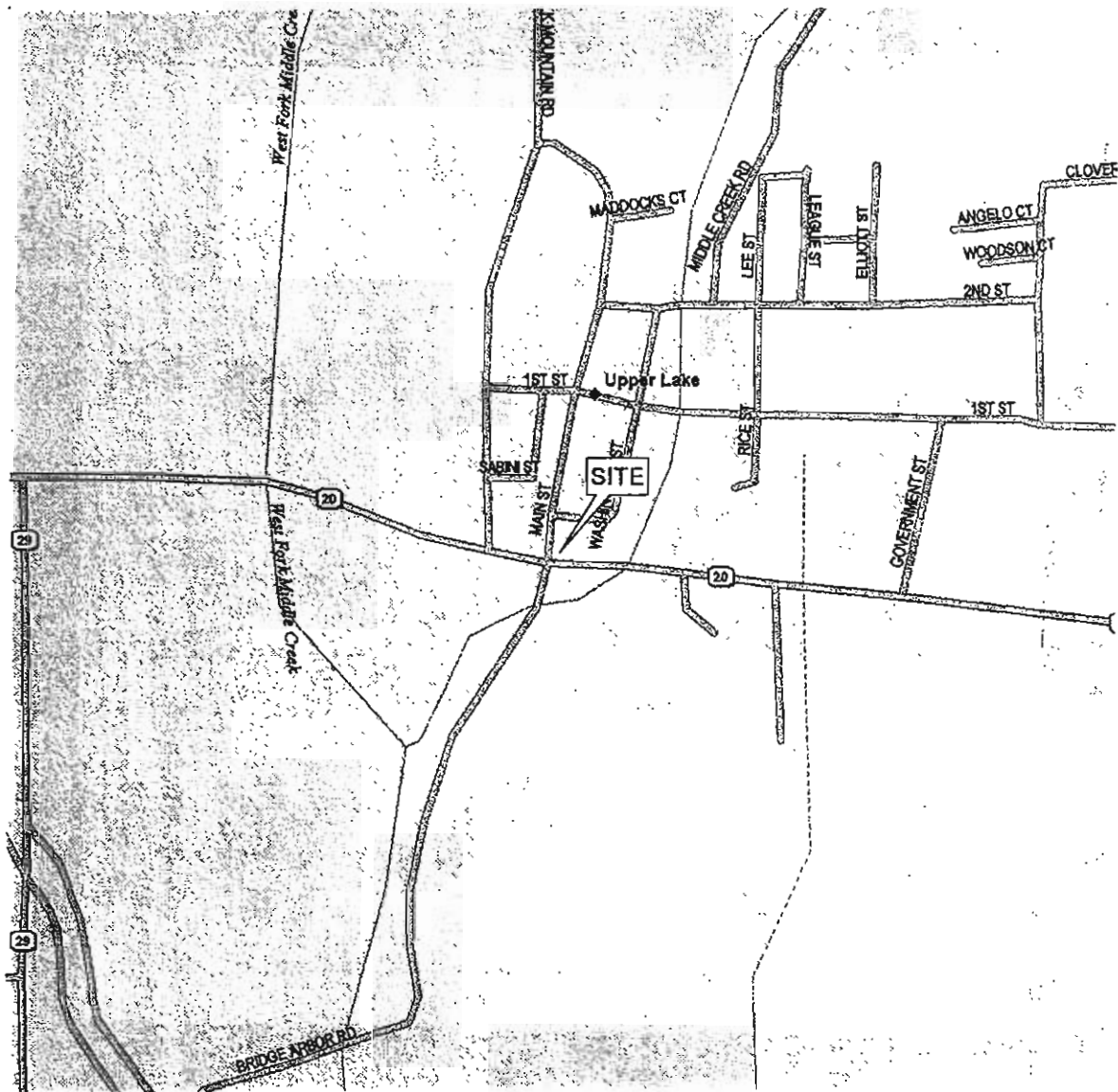
Staff recommends that the Board determine the project to be exempt from CEQA, and to approve the permit conditioned upon receipt and review of a favorable U.S. Army Corps of Engineers comment letter.

10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit 18423-A

| | |
|-----------------------|-----------------|
| Design Review: | Sam Brandon |
| Environmental Review: | Andrea Mauro |
| Document Review: | Len Marino P.E. |





0 1,000 2,000

Approximate Scale
1 inch = 1,000 feet



DRAWN BY: D. Alston
DATE: 6/17/08

REVISIONS

SITE VICINITY MAP

Woody's Tire And Brake
220 East Highway 20
Upper Lake, California

FIGURE

1

PROJECT NUMBER:

POP52.001

Project Site Pictures
Woody's Fire and Brake
220 East Highway 20
Upper Lake, California



View of the proposed monitoring well location on the Bridge Arbor North Road levee.
Looking west towards Clover Creek.



View of the proposed monitoring well location on the Bridge Arbor North Road Levee.
Looking north towards Highway 20.

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DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18423-A BD

This Permit is issued to:

Mary Poppie
743 W. Juniper Lane
Litchfield Park, Arizona 85340

To drill and install an 8-inch-diameter groundwater monitoring well, added to existing permit 18423, (Schedule 40 PVC) piping with steel conductor casing to approximately 50 feet below ground) on the crown shoulder of the left (east) bank levee of Clover Creek. The project is located in Upper Lake, south of Highway 20 along Bridge Arbor Road (Section 12, T15N, R10W, MDB&M, Lake County Watershed Protection District, Clover Creek, Lake County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18423-A BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion

FIFTEEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

SIXTEEN: The Central Valley Flood Protection Board, Department of Water Resources and/or the Lake County Water Protection District shall not be held liable for damage to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: The permittee shall be responsible for repair of any damages to the project levee and

other flood control facilities due to construction, operation, or maintenance of the proposed project.

EIGHTEEN: No construction work of any kind shall be done during the flood season from November 1st to April 15th without prior approval of the Central Valley Flood Protection Board.

NINETEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

TWENTY: All cleared trees, brush and/or other debris generated by this project shall be disposed of outside the flood control project works and shall not remain in said project works during the flood season from November 1st to April 15th.

TWENTY-ONE: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources, Lake County Watershed Protection District and/or any other agency responsible for maintenance.

TWENTY-TWO: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of The Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, The Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-THREE: When the project is abandoned, the permittee or successor shall abandon the project under direction of the Department of Water Resources. Ten days prior to initiating abandonment activities, the applicant or successor shall contact the California Department of Water Resources by telephone at (916) 574-0609 to schedule a pre-abandonment conference.

TWENTY-FOUR: Immediately prior to abandonment of the herein permitted boring(s), the permittee shall remove the top three feet of conductor casing/well casing and shall grout the remaining well casing within the levee. The cementitious grout mix design and specification shall conform to the minimum industry standard(s) for abandonment of boring(s) within levees. A steel cap shall be welded to the top of the remaining conductor casing immediately following grouting.

TWENTY-FIVE: Backfill of the excavation performed to facilitate the removal of the top three feet of conductor casing/well casing shall be imported impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Fill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

TWENTY-SIX: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central

Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

TWENTY-SEVEN: The work area shall be restored to the condition that existed prior to start of work.

TWENTY-EIGHT: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated August XX, 2010, which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-NINE: The letter from Lake County Watershed Protection District dated August XX, 2010, is attached to this permit as Exhibit B and is incorporated by reference.